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EXAMINER

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2665

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/032,083
Filing Date: February 27, 1998
Appellant(s): BELL ET AL.

Kurt M. Pankratz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/16/05 appealing from the Office action mailed 05/17/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-10, 12, 14-30, 32 and 34-105.

Claims 11, 13, 31 and 33 have been canceled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 8/10/05 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Section II. Claims 1-10, 12, 14-30, 32 and 34-

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105 under U.S.C 103(a) as being unpatentable over USP 5,726,984, issued to Kubler in view of Amir has been withdrew by examiner.

WITHDRAWN REJECTION

The following ground of rejection is not presented for review on appeal because they have been withdrawn by the examiner. Section II. Claims 1-10, 12, 14-30, 32 and 34-105 under U.S.C 103(a) as being unpatentable over USP 5,726,984, issued to Kubler in view of Amir (USP 6711166).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,711,166

Amir et al.

03-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-10, 12, 14-30, 32 and 34-105 are rejected under 35 U.S.C. 102(e) as being anticipated by Amir (USP 6711166).

Regarding claims 1, 16, 20, 36, 41, 51, 56, 66, 71, 76, 81, 87 and 89, Amir discloses (Figs 1-7 and col. 1, line 10 to col. 13, line 45) a system capable of performing state-based signaling on behalf of a stateless client (Fig 2A, Ref 42A, 44A, Fig 6, Ref 26, ISDN and analog telephone and IP terminal and Fig 7, Ref 122A, IP telephone), comprising a controller (Figs 2 and 6, Ref 94 which is embedded into the gateway, switch or router; See col. 1, lines 65-66), couple to a state-based terminal (Fig 2, Ref 48, Fig 6, Ref 26 and Fig 7, Ref 122B, H.323 terminal), that translates

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at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal (Figs 2, 6-7, packet network such internet or intranet; See col. 3, line 60 to col. 4, line 60, col. 5, line 49 to col. 8, line 54 and col. 9, line 29 to col. 11, line 3 and col. 11, line 66 to col. 12, line 8 for exchanging the signaling packet for establishing communication path between the stateless and state-based client in order to convey the media packet).

Regarding claims 2, 17, 22, 37, 42, 52, 57 and 67, Amir discloses controller translates at least one state-based/stateless signaling message received from said state-based/stateless terminal to at least one stateless/state-based signaling message for presentation to said stateless/state-based client (Figs 2 and 6, Ref 94).

Regarding claims 3, 23, 43, 58, 72, 77, 82, 88, 90, 93 and 101-102, Amir inherently discloses controller comprises a protocol engine and a stateless client control engine (Figs 2 and 6, Ref 94).

Regarding claims 44, 59, 73 and 78, Amir discloses controller comprises a call manager messaging and a stateless client message interface (Fig 2, Ref 94).

Regarding claims 74 and 79, Amir discloses a gateway coupling between intranet and Internet (Fig 2, Ref 40A)

Regarding claims 4, 18, 24, 38, 45, 53, 60 and 68, Amir discloses controller forms an abstraction of said at least one stateless signaling message prior to translating (Fig 4).

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Regarding claims 5, 19, 25, 39, 46, 54, 61, 69 and 84, Amir discloses system performs state-based signaling on behalf of a plurality of stateless clients (Fig 4).

Regarding claims 47, 55, 62, 70, 85, 86, 92 and 100, Amir discloses network employs a transport protocol selected from the group consisting of an Internet Protocol (IP), an Internet work Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and a Systems Network Architecture (SNA) (Fig 7).

Regarding claims 6, 20, 26 and 40, Amir discloses media stream includes portions selected from the group consisting of voice, video, and data (Col. 2, lines 3-9).

Regarding claims 7, 27, 48 and 63, Amir discloses portions of said media stream traverse a path between said stateless client and said state-based terminal without said controller (Fig 2B, Ref 90 or Fig 2A, LAN/IP network).

Regarding claims 8, 28, 49, 64 and 83, Amir discloses at least one state-based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream (Figs 2A and 6A, Ref ISDN, Analog).

Regarding claims 9 and 29, Amir discloses portions of said media stream traverse a path between said stateless client and said state-based terminal with said controller (Fig 6A, Ref 94).

Regarding claims 10, 30 and 96, Amir discloses said at least one state-based signaling message is based on a protocol selected from the group consisting of H.225, H.235, H.245, and H.323 (Col. 6, lines 1-17, H.323, H.245, encryption H.235 and H.225, RAS inherently).

Regarding claims 12 and 32, Amir inherently discloses at least one stateless signaling message includes an indication selected from the group consisting of a telephony "off-hook" event, a telephony "on-hook" event, a telephony "button depressed" event, a telephony "digit

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dialed" event, and a "client registration" event (Fig 2A and Figs 6-7, telephone devices generates a signaling message which comprises on/off hook, dialed digit etc).

Regarding claims 14 and 34, Amir discloses controller operates only with respect to call management and management of said media stream (Fig 2, Ref 28 and 94).

Regarding claims 15, 35, 50, 65, 75 and 80, Amir discloses system is embodied as a sequence of instructions executable in a general purpose computer system (Col. 13, lines 5-17).

Regarding claims 91, 97-99 and 103-104, Amir discloses (Figs 1-7 and col. 1, line 10 to col. 13, line 45) a method for establishing a communications session with a remote state-based terminal (Fig 2B, Ref 48B is H.323 for translating voice packet into analog voice to present to the stateless user), the method comprising the following steps performed at a stateless client (Fig 2A, Ref 42A and Fig 7, Ref 112A, IP telephone for translating voice packet into analog voice to present to the stateless user); receiving a call initiation signaling message generated at a remote state-based terminal and translated into a stateless call initiation signaling message for presentation to the stateless client to establish a communications session between the stateless client and the remote state-based terminal; processing the stateless call initiation signaling message to determine that the stateless client is able to conduct the communications session initiated at the remote state-based terminal; communicating a stateless acknowledgement signaling message for translation and delivery to the remote state-based terminal as a state-based acknowledgement signaling message; and exchanging packets with the remote state-based terminal using a packet network (Fig 2, Ref 94 for converting the signaling message between the telephone and terminal and determining if a call can be established, send acknowledge message, See col. 3, line 60 to col. 4, line 60, col. 5, line 49 to col. 8, line 67 and col. 9, line 1 to col. 11,

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line 3 and col. 11, line 66 to col. 12, line 8 for exchanging the signaling packet for establishing communication path between the stateless and state-based client in order to convey the media packet).

Regarding claims 94 and 105, Amir inherently discloses a ring on, off hook message.

(10) Response to Argument

Appellant argues with respect to claims 1-10, 12, 14-30, 32 and 34-105 that Amir fails to disclose a stateless client as defined in the specification (See page 9, col. 6 to page 10, col. 3, stateless device client comprises an individual telephone, at least one digital trunk interface, at least one analog trunk interface, at least one digital station interface, at least one analog station interface etc that incapable of performing state-based signaling such as H.225, H.235, H.245 and H.323, See page 8, line 21 to page 9, col. 5). Therefore, Amir fails to disclose a step of facilitating a media stream communication session between the stateless client and the state-based terminal using IP network wherein media stream communication session is comprised packets exchanged between the stateless client and the state-based terminal. The examiner, however, respectfully traverses the Appellant's argument because Amir discloses the stateless devices (Fig 2, Ref 42A, ISDN Telephone, Ref 44A, analog telephone, Fig 6, Ref 26 such as ISDN telephone or analog telephone or IP terminal) which are unable to perform signaling with H.323 device using at least one of H.225, H.235, H.245 and H.323 as defined in the specification. Therefore, they must be coupled a protocol converter of the router, gateway or switch (Fig 2 and 6, Ref 94). The protocol converter translates between H.323 protocol of H.323 terminal and ISDN, analog or IP protocol of the ISDN, analog or IP telephone (See col. 9, Col. 47-62, col. 10, lines 20-30, line 59 to col. 11, line 3 and col. 11, line 66 to col. 12, line 19) before

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forwarding to the stateless devices such ISDN telephone or analog telephone or IP terminal and state-based terminal such H.323 terminal of Fig 2A, Ref 48A, 48C and Fig 6, Ref 26. Therefore, a media stream which is facilitated between the stateless device and state-based terminal using IP network comprises packets exchanged between them.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

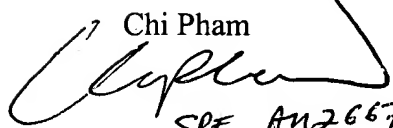
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